

In re: Kokubo et al.
Appl. No.: 09/842,466
Filed: April 25, 2001
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REMARKS

This is in response to the Office Action mailed February 3, 2003, in the above-referenced application. Applicants note with appreciation the courtesies extended to Applicants' undersigned representative, Melissa B. Pendleton, during the telephone interview of May 2, 2003. As discussed in more detail below, Applicants submit that the foregoing amendments place this application into condition for allowance, which action is respectfully solicited.

Claim 1 is rejected under 35 USC Section 112, second paragraph, as indefinite. Without admitting to the propriety of this rejection, and without prejudice or disclaimer to Applicants and the filing of continuation or divisional applications thereon, Claim 1 is cancelled, thereby obviating this rejection.

Claims 1, 6-8 and 15-17 are rejected under 35 USC Section 102(b) as anticipated by U.S. Patent No. 4,820,524 to Berta et al. In addition, Claims 9-14 and 18-20 are rejected under 35 USC Section 103 as unpatentable over Berta et al. Applicants respectfully traverse these rejections.

As discussed in the telephone interview, the claimed invention differs in various aspects from the Berta et al. patent. For example, Claim 10 is directed to a solid preparation coated with a continuous film coating layer comprising at least one colorant. At least a portion of the film coating layer is exposed to radiation under conditions to modify the color of the colorant so as to provide a coating layer with at least two different colors.

The Examiner indicated during the telephone interview that Berta et al. do not teach or suggest the use of ultraviolet radiation to effect a color change in a tablet. Accordingly the Examiner indicated that Claim 10 would be allowable if rewritten into independent form. Accordingly, to advance this application to allowance, Claim 10 is amended herewith to present the same into independent form. Claims 6, 7, and 15-17 are also amended to depend from Claim 10. This amendment does not prejudice Applicants and any scope of protection available thereto, including any scope of protection available under the doctrine of equivalents, because the amendment merely rewrites a dependent claim into independent format. Thus the scope of Claim 10 as originally presented has not changed.

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Applicants respectfully submit that the foregoing places this application into condition for allowance, which action is respectfully solicited. Should the Examiner have any questions regarding the foregoing, it is respectfully requested that she contact the undersigned at her convenience.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

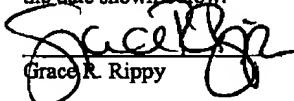


Melissa B. Pendleton
Registration No. 35,459

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. 703-872-9306 on the date shown below.


Grace R. Rippy

June 2, 2003
Date